



Attorney Docket No. 944-003.183-1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of :

Hannu PIRILA

Confirmation No.: **8661**

Serial No. **10/563,545**

Examiner: **Isaak JAMA**

Filed: **February 15, 2007**

Group Art Unit: **2617**

For: **GENERIC SERVICE REQUEST PROCEDURE IN A MULTIMODE SYSTEM**

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Commissioner for Patents
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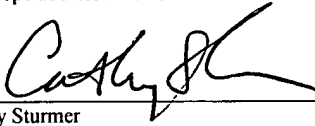
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the final Office Action of July 26, 2010, please reconsider the rejections in view of the following remarks:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450.


Cathy Sturmer

Date: **10.26.10**

REMARKS

Claims 1, 3-6, 8-12, 14-15 and 17-22 were examined by the Office, and in the final Office Action of July 26, 2010 all claims are rejected. With this response, no claims are amended, added or cancelled. Applicant respectfully submits that the Office has committed clear error in rejecting the claims, because the Office has failed to show that the cited references disclose or suggest all of the limitations recited in the claims. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Claim Objections

In section 1, on page 2 of the Office Action, claim 9 is objected to due to informalities. The Office asserts that the term “transparent container” in claim 9 lacks any explanation, and therefore is unclear. Applicant respectfully submits that the term “transparent container” is well known in the area of wireless communication, it is used in many specifications dealing with 3GPP, for example 3GPP TS 29.280 v8.0.0 and 3GPP TS 29.276 v9.3.1. Therefore, since the term is well known in the art it is not necessary that the term be explained in the specification. Accordingly, applicant respectfully requests withdrawal of the objection to claim 9.

Claim Rejections Under § 103

In section 7, on page 4 of the Office Action, claims 1, 3-6, 8-12, 14-15 and 17-22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Torabi (EP 1 076 463) in view of Khullar (U.S. Patent No. 6,748,246). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. The cited references, alone or in combination, at least fail to disclose or suggest sending service request signalling to a network device operating in a first mode for requesting a service in at least one of various modes supported by the multimode terminal, said service being unsupported by the multimode terminal in the first mode, as recited in claim 1. In addition, the cited references also fail to disclose or suggest receiving the requested service from another network device supporting a second mode as a result of a handover from the network device to the other network device, as recited in claim 1.

Torabi provides a virtual home environment for an away-from-home wireless subscriber by means of a supporting network. The supporting network is interconnected with the subscriber's home network and visited network. The network interconnection is realized by use of a network-network interface protocol that enables the visited network to provide a service that is supported by the subscriber's home network but is not supported by the visited network. See Torabi paragraph [0005]. In Torabi, it is actually the supporting network itself that provides the service. See Torabi paragraph [0021]. Therefore, the mobile is still under the visited network but receives the services, which is not supported by the visited network, from the supporting network through the inter-connection between the visited network and the supporting network. The Office asserts that the supporting network processes the received request by determining whether the service request can be implemented in one of the service providing entities. However, in Torabi the supporting network (100) can be a full fledged network equipped with the full set of service providing functional entities that are presently available in communications networks. See Torabi paragraph [0018]. Therefore, the service providing entities are inside the supporting network, and the mobile terminal is not handed over to the supporting network. In fact, Torabi teaches away this aspect of the present invention, because the purpose of Torabi is to provide the service to the mobile terminal by the supporting network, no matter where the mobile is currently with. See Torabi paragraph [0021]. Accordingly, there is no need to hand over the mobile to any particular network other than its current location, because it is always the supporting network that can provide the service through the current visited network.

As discussed above, when the requested service is not available in the visited network in Torabi, the requested service is brought from the home network to the visited network. Accordingly, in Torabi the terminal remains connected to the visited network, and no handover takes place. In contrast to Torabi, claim 1 recites that the requested service is received from another network device supporting a second mode as a result of a handover from the network device to the other network device. In Torabi, there is no handover, since the visited network merely receives the requested service from the home network. Therefore, for at least this additional reason, claim 1 is not disclosed or suggested by the cited references.

Independent claims 6, 12, 15, 18 and 20-22 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim 1.

The dependent claims rejected above all ultimately depend from an independent claim. Therefore the dependent claims are not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

It is earnestly requested that the application be reconsidered, and that the claims be allowed. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

26 October 2010

Date

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